

MONTANA LEGISLATIVE HISTORY

Chapter 19 19 71

Bill H _____ S 63 Original bill & history c

H. Committee on Township + Counties S. Committee on Local Gov.

Hearing Date(s) 1-30 ✓ c

Hearing Date(s) 1-12 c

 c

1-14 ✓ c

 c

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 c

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Date Out c

Did this bill originate in an interim committee? Yes No

Committee

Report

BILL NO.	ENTERED COMM.	COMMITTEE ON LOCAL GOVERNMENT							
		OUT OF COMM.	DO PASS	DO NOT PASS	DO PASS AS AMENDED	BE CONCURRED IN	BE CONCURRED IN AS AMENDED	BE NOT CONCURRED IN	
SB 12	January 5	January 12	X						
SB 63	January 11	January 12	X						
SB 77	January 12	January 22			X				
SB 81	January 13	January 14	X						
SB 85	January 14	January 22			X				
SB 101	January 15	February 9			X				
SB 102	January 16	February 2			X				
SB 156	TRANSFERRED								
SB 164	January 19	February 6			X				
SB 169	January 20	February 11			X				
SB 177	January 20	January 22	X						
SB 190	January 20	January 26		X					
SB 218	January 21	February 2		X					
SB 223	January 21	January 26			X				
SB 229	January 21	February 9			X				
SB 243	January 21	January 30	X						
SB 244	January 21	January 26	X						
SB 245	January 21	January 28	X						
SB 252	January 21	February 2	X						
SB 253	January 21	February 9			X				
SB 256	January 21	February 9		X					
SB 257	January 21	February 9			X				
SB 259	January 21	February 11		X					

January 12, 1971

FIRST MEETING

The first meeting of the Committee on Local Government was called to order by Chairman, C.R. Thiessen on Tuesday, January 12, 1971 at 11:35 A. M. in Room 410.

ROLL CALL

Roll call was taken and showed a quorum present.

CHAIRMAN'S REPORT

Senator Thiessen welcomed all new members to the committee on Local Government. He then went on to explain the working rules of the committee, saying that the procedure would be the same as in previous years. He stated that proponents will be heard concerning any bills and then they will be dismissed. The committee will then continue with their discussion on the bills being considered.

SB 12

Senate Bill 12 was presented to the committee by Senator Thiessen. (A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 16-4307, R.C.M., 1947, PROVIDING FOR THE APPOINTMENT OF A TRUSTEE FOR A HOSPITAL DISTRICT WHEN NO NOMINATIONS ARE SUBMITTED.) Senator Rostad, one of the sponsors of the bill, was called upon to further explain the bill. He stated that this was requested by many of the County Clerk and Recorders and that this affects only counties where they have county funded hospitals. Senator Rostad said that it was extra work and expense for the County Clerk and Recorders to put names on the ballot and also many times no one filed for the trustee position. If this bill is passed it would allow the County Commissioners to appoint someone to the Board of Trustees of the hospital districts.

SB 63

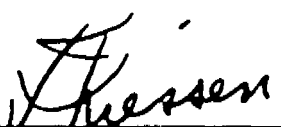
It was announced by Chairman Thiessen that Senate Bill 63 would be taken under consideration on recess on Thursday, January 14, 1971.

GUESTS

Senator Thiessen introduced J. Harry Johnson of Richland County and Senator McOmber introduced Bill Myer of Fairfield who is serving as an intern.

SB 12

Senator Stephens moved that Senate Bill 12 "Do Pass". Motion was seconded by Senator Bertsche and the motion carried unanimously.



Senator Thiessen, Chairman

January 14, 1971

SECOND MEETING

The second meeting of the Committee on Local Government was called to order by Chairman, Senator C.R. Thiessen on Thursday, January 14, 1971 at 1:15 P.M. in room 410.

ROLL CALL

Roll call was taken and showed a quorum present.

SB 63

Chairman Thiessen introduced Senator Drake who presented Senate Bill 63, to the committee. He stated that it was jointly sponsored by the City-County Planning Boards as well as the County Commissioners. (AN ACT TO AMEND SECTION 11-602, R.C.M., 1947, BY REMOVING THEREFROM AUTHORITY TO WAIVE THE PARK DEDICATION REQUIREMENT, AND SUBSTITUTE THEREFOR THE RIGHT TO ACCEPT A CASH DONATION IN LIEU OF SAID LAND DONATION AND PROVIDING FOR AUTHORITY TO WAIVE THE PARK REQUIREMENT FOR PLANNED UNIT DEVELOPMENT, AND PROVIDING FOR GOVERNMENT BODY APPROVAL OF ALL PLATS OR SUBDIVISIONS.) Senator Drake stated that this would allow the money to be used to upgrade existing parks or establish parks in better located sites.

Senator Drake introduced Charles Petaja, lobbyist for the City-County Planning Boards. Mr. Petaja then introduced the following proponents of SB 63: Mr. Robert Champion, President of the Montana Association of City-County Planning Boards; Harold Price, of the State Department of Planning; Howard TendeKugle of Reforestation, Inc.; Harold Fryslie of Bozeman; Phillip Auble, President of the League of Cities and Towns; Dorothy Eck, League of Women Voters (statement attached herewith); Mr. Paul Keller, Association of City-County Planning Boards; Robert Ellis of the Montana Volunteer Fire Departments and Gary Lee Watt, Tri-County Sanitarian.

Senator Lowe asked the question as to how the 1/9 of the plat is selected and is the cash donated if the land would have been dedicated?

Senator Lynch stated that the pay for the land value would be pro-rated.

There was further discussion as to what portion of land would be set aside for the park (1/9 or 1/12) and who makes the decision as to what type of land is set aside - poor park site or a good park site? It was the opinion of most present that the final decision would be with the County Commissioners.

SB 77

Senator Lynch moved that Senate Bill 77 be referred to a sub-committee for further study and to determine what is actually wanted. Motion was seconded by Senator Goodheart and the motion carried. Chairman Thiessen appointed Senator Lynch as Chairman of the Sub-committee on SB 77, with Senator Drake and Senator Bennett as members.

SB 63

Senator Klindt moved that Senate Bill 63 "Do Pass". Motion was seconded by Senator Northey and the motion carried unanimously.

ANNOUNCEMENT

Senator Thiessen announced that the next meeting of the committee on Local Government will meet next Tuesday.

ADJOURNMENT

There being no further business the meeting was adjourned.



Senator Thiessen, Chairman

SB 63 REMOVING AUTHORITY TO WAIVER PARK DEDICATION REQUIREMENTS
AND SUBSTITUTE CASH DONATIONS IN LIEU OF LAND

SB63 MAKES PROVISIONS FOR MANY OF THE MOST TROUBLING DILEMMAS
~~of~~ ^{Facing} COUNTY COMMISSIONERS ^{Faced} WITH THE TASK OF ENCOURAGING
THE ORDERLY GROWTH OF THEIR OUTLYING DEVELOPING AREAS...OR OF
PREVENTING THEIR DEGRADATION.

1stIT MAKES IT POSSIBLE FOR THEM TO PLAN FOR PARKS AND OPEN
SPACES INSTEAD OF JUST ACCEPTING FRAGMENTS OF LAND WHEREVER
~~they~~ ^{it} MIGHT BE DEDICATED.

2ndIT ENCOURAGES THE KIND OF PLANNED UNIT DEVELOPMENTS WHICH
CAN ELIMINATE MANY OF THEIR PLANNING HEADACHES....AND AT THE SAME
TIME ENCOURAGES THE EFFORTS OF RESPONSIBLE DEVELOPERS.

3rdAND IT GIVES THE COMMISSIONERS THE TOOLS AND AUTHORITY TO
ENCOURAGE SOUND SUBDIVISION PLANNING AND TO PREVENT MANY OF THE
DEGRADING EFFECTS OF UNPLANNED OR POORLY PLANNED SUBDIVISION OF
RURAL LANDS...AND OF URBAN FRINGE AREAS.

WE CONSIDER THIS BILL TO BE COMPLEMENTARY TO HB79 WHICH WAS
HEARD IN THE HOUSE COMMITTEE ON TOWNSHIPS AND COUNTIES THIS
MORNING. IT ALLOWS COUNTY GOVERNMENTS TO DEAL RESPONSIBLY WITH
THEIR PLANNING PROBLEMS BEFORE A COMPREHENSIVE PLAN HAS BEEN
DEVELOPED. WE URGE YOUR SUPPORT OF THIS MEASURE.

NAME	ADDRESS	Check One Support Closes
Dorothy K. Kille	Montana State College of Education	✓
Lloyd A. Brown	Reformatory Res	✓
H. J. ...	REFORMATORY INC	✓
H. J. ...	Reformatory Inc	✓
L. ...	...	✓
Robert A. Ellis	Montana State College	✓
Charles E. Petaja	Montana ass. City-County Planning Bd	✓
E. E. ...	ASSOCIATION OF MONTANA RAILROADS	✓
J. ...	Mont. Assn of Co. Commissioners	✓
G. ...	... CHAMBER	✓
Elmer Schatz	Mont. County Commissioner	✓
J. ...	Mont. Assn of ...	✓
Lester W. Bennett	Cottonwood Co. # 30	✓
Harold A. Fogelie	City of Bozeman	✓
Harold M. Price	State Dept. Planning & Economic Dev.	✓
...	...	✓
...	...	✓
...	...	✓
...	...	✓
...	...	✓

Glen Decker
Charles Pataja

- ① Robert Champion
pres. mont. ass. city county planning Board
- ② Harold Price - state department
planning
- ③ Howard Lindkeugel - Population Council
- ④ Phillip Noble - pres. League of Cities & Towns
- ⑤ Dorothy Eck - League women voters
- ⑥ Paul Heller - Ass. city county
planning Board
- ⑦ Joe Preputin County Commissioner
- ⑧ - Harold Fryslic Bogeman
- ⑨ The County ^{Legislature} ~~Board of Commissioners~~
- ⑩ Ed. Heller Farmers association

- ☒ DO PASS
☐ DO NOT PASS
☐ BE CONCURRED IN
☐ BE NOT CONCURRED IN
☐ BE ADOPTED
☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

January 14

1971

MR. President:

We, your committee on Local Government

having had under consideration SENATE Bill No. 63

11-602

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 11-602, R.C.M., 1947, BY REMOVING THEREFROM AUTHORITY TO WAIVE THE PARK DEDICATION REQUIREMENT, AND SUBSTITUTE THEREFOR THE RIGHT TO ACCEPT A CASH DONATION IN LIEU OF SAID LAND DONATION AND PROVIDING FOR AUTHORITY TO WAIVE THE PARK REQUIREMENT FOR PLANNED UNIT DEVELOPMENTS, AND PROVIDING FOR GOVERNING BODY APPROVAL OF ALL PLATS OR SUBDIVISIONS AND REQUIRING THE GOVERNING BODY TO ESTABLISH REGULATIONS FOR DEVELOPMENT OF PLATS OF SUBDIVISIONS."

Respectfully report as follows: That SENATE Bill No. 63

~~DO NOT PASS~~

Housekeeping Committee

42nd Legislative Assembly

Bill No.	Subject Matter	Date In	Hearing Date	Comments	Date Out	Committee Action	Final Action
SB 51 Shepard	To authorize the County Treas. to pay Arlington Road & Land Fund, collected on behalf of bus for revenue fund for use for US Const. and Transit.	1/21/71	2/13 2/16/71		2/16/71	Be Concurred for	
SB 63 Drake	Removing exemption authority to remove the parts dedication requirements & substitute therefor the right to accept of that dedication on their Island & on the mainland.	1/23/71	1/30/71		1/30/71	Be Concurred for	
SB 177 McCallum	To provide for the continuing of Residency, requires that for public officers, deputy sheriffs or marshalls.	1/27/71	2/13 2/16/71		2/16/71	Be Concurred for	
SB 77 Brent	Repealing liquor dispensing authority then taking a section to allow public to purchase liquor directly from the State, then to the State, then to the State, then to the State.	1/30/71	2/8		2/15/71	Be Concurred for	
SB 245 Lowe	Repealing the provision of money that a County can spend upon any public market and construction project.	2/2/71	2/13 2/16/71	Not in Report for 2/15/71	2/15/71	Be Concurred for	
SB 198 Jernage	Requiring private exploration company public at least, all part of any dedicated to public use to obtain exploration of minerals of underground facilities.	2/9/71	2/16/71		2/16/71	Be Concurred for	
SB 223 Discharge	To repeal the expiration date of the National Cooperative Commission.	2/6/71	2/16/71		2/16/71	Be Concurred for	

January 30, 1971
Proceedings of the
TOWNSHIPS AND COUNTIES COMMITTEE

Chairman Arnold Falkenstern called the meeting to order at 10:30 a.m. The secretary called the roll; nine members present with Representatives Perry and Nichols absent.

HOUSE BILL 472: Rep. Leland Schoonover, District 28, Chief Sponsor

Rep. Schoonover explained that this would change the law to allow cities and towns to sell bonds in a different manner. This might result in a lower amount of interest being paid.

PROPONENTS: Dan Mizner, Ex. Sec. of Mont. League of Cities & Towns

Mr. Mizner said this is one of four bills affecting bonds. This would allow recall of bonds when one-half of the term of issue has expired. Presently bonding companies ask a higher rate of interest to protect themselves against inflation.

SENATE BILL 6s, Senator Glen Drake, District 21, Chief Sponsor

Senator Drake said this bill was sponsored by the County Commissioners Association and the County Planning Boards. Under the present law the county commissioners do not have any authority to set minimum standard regulations for subdivisions and this legislation would give them the duty and the authority. Subdividers are required to set aside an area as a dedicated park. This would do away with the ability to waive the park requirement and permit a cash donation in lieu thereof. Money can be accumulated for the purpose of buying a park area. It allows a complete waiver of the park requirement in a planning unit development.

PROPONENTS: Charles Petaje, City-County Planning Boards
Rep. Ed Smith, District 5A
Burt Hurwitz, Pres. Assoc. of Co. Commissioners
Hall Price, State Dept. of Planning & Economic Development
Dorothy Eck, League of Women Voters
Vic Kelly, Helena City-County Planning Board
Ross Cannon, Mobile Home Association
Rep. Dan Yardley, District 14
Merle Hoefl, Yellowstone County Planning Board

Mr. Price said the State Department of Planning & Economic Development continually recognizes the need for this type of legislation.

Proponents urged support of the bill and felt it would help bring continuity to planning and provides protection for home buyers. Rep. Yardley said he feels there are many instances where it is not desirable to have a park, such as small summer home acreages along the lake shores. Mr. Hoefl would like to have had the bill amended as per his statement. Senator Drake said he feels this bill

is acceptable to all segments of society today and opposes any amendments to the bill.

HOUSE BILL 334: Rep. Dan Yarley, District 14, Chief Sponsor

Rep. Yarley said his bill was to cover isolated tracts of land away from cities and towns and if Senate Bill 63 is passed without being amended this bill will not be necessary.

HOUSE BILL 492: Rep. Jack Healy, District 23, Chief Sponsor

Rep. Healy said this bill pertains to receipts for property taxes by the county treasurer. He sighted instances where people had had an argument with their county treasurer over tax payments. Receipts should be marked paid in full, this would give evidence of all taxes being paid up to the date of the receipt and it would not be necessary to keep your receipts for years on end to avoid having a delinquency show up from years back when you get ready to sell your property.

PROPOENTS: John Peterson, Butte Attorney
Rep. Tom Selstad, District 18

Proponents felt this would be a good check and balance on the county treasurer.

HOUSE BILL 408: Rep. Francis Bardanouve, District 10B, Chief Sponsor

This bill would change the method of paying for the board of prisoners. The sheriff would be able to submit a claim for the meals provided the prisoners or take them to a cafe and have the cafe submit a claim. This would take the sheriff out of the food business.

PROPOSERS: Rep. Walter J. Ulmer, District 7
Joe Preputin, Co. Commissioners Assoc.
Don Garrity, Peace Officers Association

Propoents felt this would take a responsibility off of the sheriff and give him more time for law enforcement. As it is some sheriffs have to provide their own dishes, stoves, etc.

HOUSE BILL 90: Rep. Francis Bardanouve, District 10B, Chief Sponsor
Rep. Scott's standin on this bill.

Mr. Bardanouve said the chief sponsor had authorized him to tell the committee that if HB 408 is passed this legislation is not needed as the subject would already be covered.

SM

HOUSE BILL 460: Rep. Tom Harrison, District 21, Chief Sponsor

The chief sponsor had to appear at another meeting and was unable to appear.

PROPOSERS: Roscoe Geise, Augusta Youth Center
Elmer J. Tuomi, Augusta
Ed Ferguson, Pastor of the Augusta Community Church
Clifford Wilson, teacher at Augusta schools

Proponents stated that donations are all the maintain the youth center at Augusta and they felt that it would be fairer if they could handle this in the same manner as a SID. However, they need permissive legislation before this is possible.

The Chairman reported having received 27 letters in support of the bill, all from Augusta.

HOUSE BILL 427: This bill was re-referred back into committee to permit the mobile home owners to present an amendment. Ross Cannon, Helena Attorney representing the Mobile Home Association presented amendments to the committee. Joe Preputin, Co. Comm. Assoc. felt this cleared up a question for mobile home owners and supported the amendment.

EXECUTIVE SESSION:

HOUSE BILL 427: Rep. Worden moved a Do Pass on the amendment presented. Motion carried. Rep. Worden moved Do Pass as Amended. Motion carried - DO PASS AS AMENDED.

HOUSE BILL 460: Rep. Harper moved Do Pass; motion withdrawn and passed for the day.

HOUSE BILL 408: Rep. Sverdsten moved Do Pass; motion carried - DO PASS

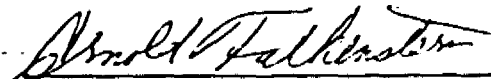
HOUSE BILL 90: Since the sponsor had so requested, this bill was tabled.

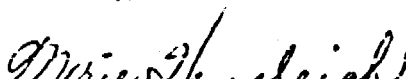
HOUSE BILL 492: Rep. Lombardi moved Do Pass; motion carried - DO PASS

HOUSE BILL 63: Rep. Harper moved this bill be concurred in; motion carried - BE CONCURRED IN.

HOUSE BILL 472: Rep. Worden moved Do Pass; seconded by Harper. Motion carried - DO PASS

HOUSE BILL 355: Rep. Lombardi moved this bill Do Pass as Amended at the previous meeting. Motion carried - DO PASS AS AMENDED


ARNOLD FALKENSTERN, CHAIRMAN


Marie Hensleigh, Secretary

APPROVED BY COMMITTEE ON
LOCAL GOVERNMENT

Jan. 14, 1971

Senate BILL NO. *63*

INTRODUCED BY

Drake Lickens Kuntz
Russell McCallum Hollings
Hubbard Northey Hallock

11-602

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
11-602, R.C.M., 1947, BY REMOVING THEREFROM AUTHORITY
TO WAIVE THE PARK DEDICATION REQUIREMENT, AND SUBSTITUTE
THEREFOR THE RIGHT TO ACCEPT A CASH DONATION IN LIEU OF
SAID LAND DONATION AND PROVIDING FOR AUTHORITY TO WAIVE
THE PARK REQUIREMENT FOR PLANNED UNIT DEVELOPMENTS, AND
PROVIDING FOR GOVERNING BODY APPROVAL OF ALL PLATS OR
SUBDIVISIONS AND REQUIRING THE GOVERNING BODY TO ESTAB-
LISH REGULATIONS FOR DEVELOPMENT OF PLATS OF SUBDIVI-
SIONS."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE
OF MONTANA:

Section 1. Section 11-602, R.C.M. 1947, is amended
to read as follows:

"11-602. What plat must contain. The plat must
show as follows:

1. All streets, alleys, avenues, and highways, and
the width thereof.

2. All parks, squares, and all other grounds de-
dicated or reserved for public uses, with the boundaries
and dimensions thereof.

3. All lots and blocks with their boundaries,
designating such lots and blocks by numbers, and giving
the dimensions of every lot and block.

1 4. The angles of intersection of all boundary lines
2 of the lots and blocks wherever the angle of intersection
3 is not a right angle.

4 5. The location of all stone or iron monuments set
5 to establish street lines.

6 6. The exterior boundaries of the piece of land
7 so platted, giving such boundaries by true courses and
8 distances.

9 7. The location of all section corners or legal
10 subdivision corners of sections within the limits of said
11 plat.

12 8. The adjoining block corners of all surveyed and
13 adjoining additions, and the streets, alleys, avenues,
14 and highways of such adjoining additions, for the
15 purpose of showing how the new plat and survey conform
16 to such adjoining addition of surveyed and platted ground.

17 9. For the purpose of promoting the public comfort,
18 welfare, and safety such plat and survey must show that
19 at least one-ninth of the platted area, exclusive of
20 streets, alleys, avenues, and highways, is forever dedi-
21 cated to the public for parks and playgrounds; the one-
22 half of such area so dedicated to the public for parks
23 and playgrounds may be distributed in small plots of
24 not less than one block in area through the different
25 parts of the area platted; and the one-half shall be
26 consecrated into larger parks on the outer edge of the
27 area so platted. The board of county commissioners of
28 the county, or the council of the city or town, is hereby
29 authorized to suggest suitable places for such parks and
30 playgrounds, and for good cause shown may make an order

1 in the proceedings of such body (to be endorsed and
2 certified on said plat), diminishing the amount of such
3 area herein required to be dedicated as public parks
4 and playgrounds to not less than one-twelfth thereof,
5 exclusive of streets, alleys, avenues, and highways;
6 provided, that where such platted area consists of a
7 tract of land containing less than twenty acres, such
8 board of county commissioners of the county, or the
9 council of the city or town, may make an order in the
10 proceedings of such body, to be endorsed and certified
11 on said plat, that no park or playground be set aside
12 or dedicated provided that where due to the size,
13 typography, shape or location or other circumstances then
14 and there existing, the dedication of land for park and
15 playground purposes would be unsuitable, uneconomical,
16 difficult to develop or maintain, or otherwise unusable
17 for park and playground purposes, the governing body of
18 the county, or the city or town, for good cause shown
19 may make an order in the proceedings of such body to be
20 endorsed and certified on the plat, accepting a cash
21 donation in lieu of land that would have been dedicated
22 if a dedication were made, to be paid into the park fund,
23 which shall be utilized for the purchase of additional
24 land for parks and playgrounds, or for the initial development
25 of parks or playgrounds as the needs of the general public
26 welfare shall determine. The amount of the aforesaid
27 cash donation in lieu of land dedication shall equal
28 the fair market value of the land at the time of subdividing
29 of the amount of land needed to meet the aforesaid
30 park requirements; and provided further that if the

1 proposed plat provides for the planned unit development
2 with land set aside for park and recreational uses sufficient
3 to meet the needs of the persons residing in and who
4 will ultimately reside in said planned unit development,
5 that the governing body may issue an order waiving the
6 land dedication or cash donation requirements and may
7 accept said plat for filing, and provided further that
8 if a tract or tracts of land are being developed by the
9 same ownership as a part of an overall plan, and part
10 of said tract or tracts have been subdivided and sufficient
11 park lands have been dedicated to the public from the
12 area that has been subdivided to meet the requirements
13 of this section for the entire tract or tracts being
14 developed, the governing body may issue an order waiving
15 the land dedication or cash donation requirements for
16 any of said portion or portions of said tract or tracts
17 thereafter subdivided.

18 10. For the purpose of promoting the public com-
19 fort, welfare, and safety, the subdivider must obtain
20 the approval of the board of county commissioners or the
21 governing body of any city or town within the limits of
22 which said tracts or plat of land are contained, and
23 it is the duty of said board of county commissioners,
24 or the governing body of said city or town, and they
25 shall adopt regulations to provide for the harmonious
26 development of the region and its environs, for the
27 coordination of roads within the subdivided land with
28 other existing or planned roads or with the state or
29 regional plan, or with the plans of municipalities in or
30 near the region, for adequate open spaces for travel,

1 light, air and recreation; for the conservation of or
2 provision of adequate transportation, water, drainage,
3 and sanitary facilities; for the avoidance of population
4 congestion and for the avoidance of scattered subdivision
5 of land as would involve danger or injury to health,
6 safety or welfare by reason of the lack of water supply,
7 drainage, transportation or other public services or
8 would necessitate an excessive expentiture of public
9 funds for the supply of such services; and provided further
10 that such regulations may include requirements as to
11 the extent to which, and the manner in which roads shall
12 be created and improved and water and sewer and other
13 utility mains, piping connections or other facilities
14 to be installed as condition precedent to the approval
15 of a plat. And provided further that in the event that
16 a proposed subdivision or plat fails to meet the requirements
17 of said regulations that approval of the plat shall be
18 denied until such time as it conforms with said regulations."
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- ☐ DO PASS
- ☐ DO NOT PASS
- ☒ BE CONCURRED IN
- ☐ BE NOT CONCURRED IN
- ☐ BE ADOPTED
- ☐ BE NOT ADOPTED

STANDING COMMITTEE REPORT

January 30 19 71

Bill Clerk

SPEAKER
MR. ~~XXXXXXXX~~

We, your committee on TOWNSHIPS & COUNTIES

having had under consideration SENATE Bill No. 63

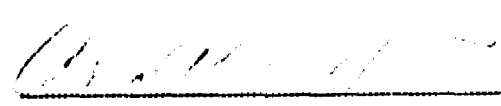
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 11-602, R.C.M., 1947, BY REMOVING THEREFROM AUTHORITY TO WAIVE THE PARK DEDICATION REQUIREMENT, AND SUBSTITUTE THEREFOR THE RIGHT TO ACCEPT A CASH DONATION IN LIEU OF SAID LAND DONATION AND PROVIDING FOR AUTHORITY TO WAIVE THE PARK REQUIREMENT FOR PLANNED UNIT DEVELOPMENTS, AND PROVIDING FOR GOVERNING BODY APPROVAL OF ALL PLATS OR SUBDIVISIONS AND REQUIRING THE GOVERNING BODY TO ESTABLISH REGULATIONS FOR DEVELOPMENT OF PLATS OF SUBDIVISIONS."

Respectfully report as follows: That SENATE Bill No. 63

BE CONCURRED IN

~~XXXXXX~~
~~XXXXXX~~

House Committee Report Form


Chairman.

Authority
preserved.

(d) Existing Law Preserved. Nothing in this act shall be deemed to limit, or enroach upon the existing authority of Montana law enforcement officers in the performance of their duties involving traffic control.

Penalties for
failure to stop.

(e) Penalty. Any person who shall proceed or travel through a roadblock without subjecting himself to the traffic control so established shall be guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500.00), or by imprisonment in the county jail for not more than six (6) months, or by both fine and imprisonment."

Approved February 9, 1971.

CHAPTER NO. 19

An Act to Amend Section 11-602, R.C.M., 1947, by Removing Therefrom Authority to Waive the Park Dedication Requirement, and Substitute Therefor the Right to Accept a Cash Donation in Lieu of Said Land Donation and Providing for Authority to Waive the Park Requirement for Planned Unit Developments, and Providing for Governing Body Approval of all Plats or Subdivisions and Requiring the Governing Body to Establish Regulations for Development of Plats of Subdivisions.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 11-602, R.C.M., 1947, is amended to read as follows:

Plat requirements.

"11-602. **What plat must contain.** The plat must show as follows:

Streets.

1. All streets, alleys, avenues, and highways, and the width thereof.

Parks.

2. All parks, squares, and all other grounds dedicated or reserved for public uses, with the boundaries and dimensions thereof.

Lots and blocks.

3. All lots and blocks with their boundaries, designating such lots and blocks by numbers, and giving the dimensions of every lot and block.

4. The angles of intersection of all boundary lines of the lots and blocks wherever the angle of intersection is not a right angle.

Intersections.

5. The location of all stone or iron monuments set to establish street lines.

Monuments.

6. The exterior boundaries of the piece of land so platted, giving such boundaries by true courses and distances.

Exterior
boundaries.

7. The location of all section corners or legal subdivision corners of sections within the limits of said plat.

Section corners.

8. The adjoining block corners of all surveyed and adjoining additions, and the streets, alleys, avenues, and highways of such adjoining additions, for the purpose of showing how the new plat and survey conform to such adjoining addition of surveyed and platted ground.

Adjoining block
corners and streets.

9. For the purpose of promoting the public comfort, welfare, and safety, such plat and survey must show that at least one-ninth of the platted area, exclusive of streets, alleys, avenues, and highways, is forever dedicated to the public for parks and playgrounds; the one-half of such area so dedicated to the public for parks and playgrounds may be distributed in small plots of not less than one block in area through the different parts of the area platted; and the one-half shall be consecrated into larger parks on the outer edge of the area so platted. The board of county commissioners of the county, or the council of the city or town, is hereby authorized to suggest suitable places for such parks and playgrounds, and for good cause shown may make an order in the proceedings of such body (to be endorsed and certified on said plat), diminishing the amount of such area herein required to be dedicated as public parks and playgrounds to not less than one-twelfth thereof, exclusive of streets, alleys, avenues, and highways; *provided that where due to the size, topography, shape or location or other circumstances then and there existing, the dedication of land for park and playground purposes would be unsuitable, uneconomical, difficult to develop or maintain, or otherwise unusable for park and playground purposes, the governing body of the county, or the city or town, for good cause shown may make an order in the proceedings of such body to be endorsed and certified on the plat,*

Dedication of parks
and playgrounds
required.

County or city may
suggest suitable
areas.

Diminished areas.

Cash donations
in lieu of areas.

Uses of funds.

Fair market value.

Waiver.

Waiver of portions.

Approval required.

Duty to adopt
regulations for
land developments.

accepting a cash donation in lieu of land that would have been dedicated if a dedication were made, to be paid into the park fund, which shall be utilized for the purchase of additional land for parks and playgrounds, or for the initial development of parks or playgrounds as the needs of the general public welfare shall determine. The amount of the aforesaid cash donation in lieu of land dedication shall equal the fair market value of the land at the time of subdividing of the amount of land needed to meet the aforementioned park requirements; and provided further that if the proposed plat provides for the planned unit development with land set aside for park and recreational uses sufficient to meet the needs of the persons residing in and who will ultimately reside in said planned unit development, that the governing body may issue an order waiving the land dedication or cash donation requirements and may accept said plat for filing, and provided further that if a tract or tracts of land are being developed by the same ownership as a part of an overall plan, and part of said tract or tracts have been subdivided and sufficient park lands have been dedicated to the public from the area that has been subdivided to meet the requirements of this section for the entire tract or tracts being developed, the governing body may issue an order waiving the land dedication or cash donation requirements for any of said portion or portions of said tract or tracts thereafter subdivided.

10. For the purpose of promoting the public comfort, welfare, and safety, the subdivider must obtain the approval of the board of county commissioners or the governing body of any city or town within the limits of which said tracts or plat of land are contained, and it is the duty of said board of county commissioners, or the governing body of said city or town, and they shall adopt regulations to provide for the harmonious development of the region and its environs, for the coordination of roads within the subdivided land with other existing or planned roads or with the state or regional plan, or with the plans of municipalities in or near the region, for adequate open spaces for travel, light, air and recreation; for the conservation of or provision of adequate transportation, water, drainage, and sanitary facilities; for the avoidance of population congestion and for the avoidance of scattered subdivision of land as would involve danger or injury to

health, safety or welfare by reason of the lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services; and provided further that such regulations may include requirements as to the extent to which, and the manner in which roads shall be created and improved and water and sewer and other utility mains, piping connections or other facilities to be installed as condition precedent to the approval of a plat. And provided further that in the event that a proposed subdivision or plat fails to meet the requirements of said regulations that approval of the plat shall be denied until such time as it conforms with said regulations."

Regulation of roads
and utilities.Denial of
nonconforming
plat.

Section 2. The governing body of any city, town or county which has formed a planning board and adopted a comprehensive plan and subdivision regulations pursuant to title 11, chapter 38, R.C.M., 1947, shall seek the advice of the appropriate planning board in all matters pertaining to the approval or disapproval of plats or subdivisions.

Use of planning
boards.

Approved February 9, 1971.

CHAPTER NO. 20

An Act to Amend Section 46-2331, R.C.M. 1947, Relating to Fees Which may be Imposed by the State Grass Conservation Commission Against Districts.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 46-2331, R.C.M. 1947, is amended to read as follows:

Amending clause.

"46-2331. Fees may be imposed by commission against districts. The state grass conservation commission shall have the authority and right to impose such fees against the several state grazing districts of the state of Montana and in an amount not in excess of ten cents (10¢) per animal unit based upon the number of animal units per year for which the district grants permits, to defray any or all expenses created by the state grass conservation commission. These fees shall be held in the earmarked revenue fund, to be expended by order and direction of

Grazing fees
imposed.

10c per animal unit.

Use of fees.